

Suppl.

82-~~77k~~
No. 6

COMMONWEALTH

vs.

Kenneth WatersPRETRIAL CONFERENCE REPORT

A pretrial conference was held on Dec 30 2002, 1902 with the following results:

(strike out inapplicable parts of the form, fill in dates, check boxes and provide other information as indicated; attach additional sheets as needed.)

1. Agreements reached by the parties concerning discovery 1,2

1. Mandatory discovery for the defendant--Rule 14(a)(1)) The Commonwealth agrees to provide the defendant on or before 2/15/03 trial, 1903 the following:

- written or recorded statements of the defendant in possession, custody, or control of the Commonwealth.
- relevant written or recorded grand jury testimony.
- any facts of an exculpatory nature within the possession, custody, or control of the prosecutor.

2. (Discretionary discovery for the defendant--Rule 14(a)(2)) The Commonwealth agrees that on or before 2/15/03 trial, 1903 it will provide the defendant in writing, or to allow inspection of, the following which are in the possession of the Commonwealth:

- material and relevant physical evidence and documents (specify) _____
- reports of mental or physical examinations and of scientific tests.
- statements of persons (as defined in Rule 13(d))
- names and addresses of proposed witnesses.

3. (Reciprocal discovery for the prosecution --Rule 14(a)(3)) Defendant agrees that on or before 2/15/03 trial, 1903 it will provide the Commonwealth in writing, or allow inspection of, the following which are in the possession of the defendant:

- the following material and relevant physical evidence and documents (specify) _____
- reports of mental or physical examinations and of scientific tests
- statements of persons (as defined in Rule 13(d))
- names and addresses of proposed witnesses.

4. (Notice of alibi--Rule 14(b)(1)) The Commonwealth hereby notifies the defendant that the time, date and place of the alleged offense was as follows: See police reports and grand jury minutes

Defendant agrees, if an alibi defense will be offered, to notify the Commonwealth in writing (signed by the defendant) on or before 2/15/03 trial, 1903 of the place at which the defense will be offered.

Defendant in writing on or before the scene of the alleged offense or otherwise to rebut defendant's alibi defense.

5. (Notice of other defenses) If the defendant intends to rely upon the defense of criminal responsibility or upon a defense based upon a license, claim of authority or ownership, or defendant must notify the Commonwealth within 7 days of the date by which this report is required to (Rule 14(b)(3)), or may here so state:

6. (Other discovery agreements) The parties agree to the following other matters relating to discovery:

II. Agreements reached by the parties concerning matters other than discovery (specify):

III. Matters upon which the parties have not reached agreement which are to be subject of pretrial motions³

IV. Stipulations of fact

V. Status of Case (not binding)

Ready for further conference

Ready for trial. Proposed agreed trial date:

Estimated length of trial:

Jury Jury Waived

C. 1-19-82

No. of witness: Def. 0 Pros. 0

Elizabeth M. Shiley
Assistant District Attorney

Bonnie E. Beazley
Defense Counsel

12-29-82

Date

Defendant is necessary

Comments induced to writing in the conference report shall be binding on the parties and shall control subsequent course of the proceeding" (Rule 13(a)(2)(A)).

Specifies a continuing duty to disclose subsequently acquired evidence which is discoverable. Conference report shall contain a statement of those matters on which the parties failed to agree to be the subject of pretrial motions" - Rule 11(a)(2)(A). "Only portions of which could not be agreed upon at the present time."